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09/816,540	03/26/2001	Yoshiyasu Nakashima	1466.1035	9495

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EXAMINER	
POPHAM, JEFFREY D	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/816,540	NAKASHIMA ET AL.	
	Examiner	Art Unit	
	Jeffrey D. Popham	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,16 and 18-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,16 and 18-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Remarks

Claims 1-4, 16, and 18-24 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 16, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strub (U.S. Patent 6,825,875) in view of Olschafskie (U.S. Patent 6,460,766).

Regarding Claim 1,

Strub discloses a data accumulation system comprising:

A wireless data output device, which is any type of wireless terminal, wirelessly outputting data required by a user (Column 11, line 32 to Column 12, line 52; and Figure 2, element 202);

A data storage device including a storing portion for storing a part of data imparted from the data output device (Column 11, line 32 to Column 12, line 52; and Figure 2, element 203); and

A data checking terminal that is a portable terminal capable of wireless communication with the data storage device (Column 11, line 32 to Column 12, line 52; Column 47, lines 33-48; and Figure 2, element 204), the data checking terminal

Having a display for displaying data imparted from the data output device to the data storage device so that a user can check whether or not the data are worth storing by viewing the displayed data on the display (Column 52, lines 44-61; Column 58, line 61 to Column 59, line 18; and Column 80, line 65 to Column 81, line 14); and

Allowing the user to input a command to the data checking terminal after viewing the displayed data on the display, the command indicating whether the data output by the data output device is to be stored by the data storage device (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); wherein

The data storage device stores or does not store the data output by the data output device in accordance with the command input by the user

to the data checking terminal (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); and

The data imparted from the data output device to the data storage device and displayed on the display of the data checking terminal is image data or text data (Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14);

But may not explicitly disclose that the wireless data output device is a pen scanner, a POS terminal, an ATM terminal or a wireless terminal that transmits information explaining exhibits or merchandise.

Olschafskie, however, discloses that the wireless data output device is a pen scanner, a POS terminal, an ATM terminal or a wireless terminal that transmits information explaining exhibits or merchandise (Figure 1; Column 3, lines 17-29; and Column 5, line 36 to Column 6, line 42). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanning system of Olschafskie into the recording unit of Strub in order to allow the system to scan documents into electronically readable form in a highly accurate, fast, and reliable way, thereby extending the abilities of the recording system to be able to record the documents in forms such as ASCII.

Regarding Claim 16,

Strub discloses a data accumulation system comprising:

A wireless data output device, which is a pen scanner, a point of sale (POS) terminal, an automated teller machine (ATM) terminal or any type of wireless terminal, wirelessly outputting image or text data (Column 11, line 32 to Column 12, line 52; and Figure 2, element 202);

A data storage device receiving the image or text data output from the data output device (Column 11, line 32 to Column 12, line 52; and Figure 2, element 203); and

A portable terminal (Column 11, line 32 to Column 12, line 52; and Figure 2, element 204)

Wirelessly communicating with the data storage device to cause the portable terminal to display, to a user of the portable terminal, the image or text data output from the data output device and received by the data storage device (Column 47, lines 33-48; Column 58, line 61 to Column 59, line 18; and Column 80, line 65 to Column 81, line 14);

Wirelessly communicating with the data storage device to allow the user to input a command to the portable terminal indicating whether the image or text data output by the data output device and received by the data storage device should be stored in the data storage device, in accordance with a decision by the user after viewing the image or text data displayed by the portable terminal (Column 47, lines 33-48; Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14); and

Wirelessly communicating with the data storage device to transmit the inputted command from the portable terminal to the data storage device to cause the data storage device to store the image or text data output by the data output device and received by the data storage device in accordance with the transmitted command (Column 47, lines 33-48; Column 51, line 67 to Column 52 line 61; and Column 80, line 65 to Column 81, line 14);

But may not explicitly disclose that the wireless data output device is a pen scanner, a POS terminal, an ATM terminal or a wireless terminal that transmits information explaining exhibits or merchandise.

Olschafskie, however, discloses that the wireless data output device is a pen scanner, a POS terminal, an ATM terminal or a wireless terminal that transmits information explaining exhibits or merchandise (Figure 1; Column 3, lines 17-29; and Column 5, line 36 to Column 6, line 42). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanning system of Olschafskie into the recording unit of Strub in order to allow the system to scan documents into electronically readable form in a highly accurate, fast, and reliable way, thereby extending the abilities of the recording system to be able to record the documents in forms such as ASCII.

Regarding Claim 23,

Claim 23 is a system claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 24,

Claim 24 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

3. Claims 1-3, 16, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz (U.S. Patent 6,526,335) in view of Kolls (U.S. Patent 6,856,820).

Regarding Claim 1,

Treyz discloses a data accumulation system comprising:

A wireless data output device, which is a pen scanner, a point of sale (POS) terminal, an automated teller machine (ATM) terminal or a wireless terminal that transmits information explaining exhibits or merchandise, wirelessly outputting data required by a user (Column 44, line 57 to Column 45, line 8; and Column 61, line 46 to Column 63, line 34) (other portions of Treyz show this wireless data output device as well outputting data regarding merchandise and/or exhibits in the form of subscriptions, physical products, tours, and the like, for example, Column 2, lines 52-64, Column 22, line 46 to Column 23, line 16, and Column 45, line 65 to Column 46, line 6);

A data storage device including a storing portion for storing a part of data imparted from the data output device (Column 44, line 57 to Column 45, line 8); and

A data checking terminal that is a portable terminal capable of wireless communication with the data storage device (Column 22, lines 35-45; and Column 44, line 57 to Column 45, line 8), the data checking terminal

Having a display for displaying data imparted from the data output device to the data storage device (Column 20, line 62 to Column 21, line 6; and Column 22, lines 10-45) so that a user can check whether or not the data are worth storing by viewing the displayed data on the display (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 72, lines 10-32; Figures 50, 63, and 78); and

Allowing the user to input a command to the data checking terminal after viewing the displayed data on the display, the command indicating whether the data output by the data output device is to be stored by the data storage device (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78); wherein

The data storage device stores or does not store the data output by the data output device in accordance with the command input by the user to the data checking terminal (Column 45, line 5 to Column 46, line 29;

Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78); and

The data imparted from the data output device to the data storage device and displayed on the display of the data checking terminal is image data or text data (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78);

But may not disclose that the data checking terminal is a portable device.

Kolls, however, discloses that the data checking terminal is a portable device (Column 8, line 56 to Column 9, line 62); that the data displayed on the data checking terminal is image data or text data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12); and that the user checks whether or not the data are worth storing by viewing the displayed data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the portable data checking terminal of Kolls into the data accumulation system of Treyz in order to make it easier for the user to interact with the system than interacting directly with the automobile computer, or in order to allow the user to use a single portable device that can access the computer either directly or via a network (such as the Internet).

Regarding Claim 2,

Treyz as modified by Kolls discloses the system of claim 1, in addition, Treyz discloses that the data checking terminal automatically performs filtering of data to be stored (Column 59, lines 3-19).

Regarding Claim 3,

Treyz as modified by Kolls discloses the system of claim 1, in addition, Treyz discloses that the data checking terminal processes data to be stored out of the imparted data and transfers the processed data back to the data storage device (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Figures 50, 63, and 78); and Kolls discloses that the data checking terminal processes data to be stored out of the imparted data and transfers the processed data back to the data storage device (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12).

Regarding Claim 16,

Treyz discloses a data accumulation system comprising:

A wireless data output device, which is a pen scanner, a point of sale (POS) terminal, an automated teller machine (ATM) terminal or a wireless terminal that transmits information explaining exhibits or merchandise, wirelessly outputting image or text data (Column 44, line 57 to Column 45, line 8; and Column 61, line 46 to Column 63, line 34);

A data storage device receiving the image or text data output from the data output device (Column 44, line 57 to Column 45, line 8); and

A portable terminal (Column 22, lines 35-45; and Column 44, line 57 to Column 45, line 8)

Wirelessly communicating with the data storage device to cause the portable terminal to display, to a user of the portable terminal, the image or text data output from the data output device and received by the data storage device (Column 20, line 62 to Column 21, line 6; and Column 22, lines 10-45);

Wirelessly communicating with the data storage device to allow the user to input a command to the portable terminal indicating whether the image or text data output by the data output device and received by the data storage device should be stored in the data storage device, in accordance with a decision by the user after viewing the image or text data displayed by the portable terminal (Column 45, line 5 to Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 72, lines 10-32; Figures 50, 63, and 78); and

Wirelessly communicating with the data storage device to transmit the inputted command from the portable terminal to the data storage device to cause the data storage device to store the image or text data output by the data output device and received by the data storage device in accordance with the transmitted command (Column 45, line 5 to

Column 46, line 29; Column 53, line 60 to Column 54, line 9; Column 70, lines 30-50; Figures 50, 63, and 78);

But may not disclose that the data checking terminal is a portable device.

Kolls, however, discloses that the data checking terminal is a portable device (Column 8, line 56 to Column 9, line 62); that the data displayed on the data checking terminal is image data or text data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12); and that the user checks whether or not the data are worth storing by viewing the displayed data (Column 8, line 56 to Column 9, line 62; and Column 40, line 37 to Column 41, line 12). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the portable data checking terminal of Kolls into the data accumulation system of Treyz in order to make it easier for the user to interact with the system than interacting directly with the automobile computer, or in order to allow the user to use a single portable device that can access the computer either directly or via a network (such as the Internet).

Regarding Claim 23,

Claim 23 is a system claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 24,

Claim 24 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 21,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a POS terminal (Column 44, line 57 to Column 45, line 8).

Regarding Claim 22,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is an ATM terminal (Column 46, line 50 to Column 47, line 9).

4. Claims 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Kolls, further in view of Ong (U.S. Patent 5,952,994).

Regarding Claim 4,

Treyz as modified by Kolls does not explicitly disclose that the data imparted from the data output device to the data storage device is image data and the data checking terminal generates a thumbnail image of the image data to display the thumbnail image on the display.

Ong, however, discloses that the data imparted from the data output device to the data storage device is image data and the data checking terminal generates a thumbnail image of the image data to display the thumbnail image on the display (Column 2, lines 8-29). It

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the image scaling method of Ong into the data accumulation system of Treyz as modified by Kolls in order to provide a cost effective and fast image scaling method such that a data checking terminal with a small display can scale and view the information (image in this case) in an efficient manner.

Regarding Claim 20,

Treyz as modified by Kolls does not explicitly disclose that the data output from the data output device is image data, and the portable terminal generates and displays to the user a thumbnail image of the image data.

Ong, however, discloses that the data output from the data output device is image data, and the portable terminal generates and displays to the user a thumbnail image of the image data (Column 2, lines 8-29). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the image scaling method of Ong into the data accumulation system of Treyz as modified by Kolls in order to provide a cost effective and fast image scaling method such that a data checking terminal with a small display can scale and view the information (image in this case) in an efficient manner.

5. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Kolls, further in view of Menezes (Menezes, "Portable pen scans and stores text without a PC", *Computing Canada*, 6/25/1999, pp. 16).

Regarding Claim 18,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2) and that the portable terminal is a PDA (Column 10, lines 22-34); and Kolls discloses that the portable terminal is a PDA (Column 8, line 56 to Column 9, line 62), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses that the scanner is a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz as modified by Kolls in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak the language that the document is written in.

Regarding Claim 19,

Treyz as modified by Kolls discloses the system of claim 16, in addition, Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2), the portable terminal is a PDA (Column

10, lines 22-34), and the data storage device is inside a notebook computer (Column 10, lines 35-38); and Kolls discloses that the portable terminal is a PDA (Column 8, line 56 to Column 9, line 62), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses that the scanner is a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz as modified by Kolls in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak the language that the document is written in.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham
Examiner
Art Unit 2137

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER